

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE, et al,
Plaintiffs,

No. C 05-591 SBA

ORDER

v.

MARK PARR, et al.,
Defendants.

This Court previously ordered Plaintiff to serve Defendants with the summons and Complaint on or before August 8, 2005. To date, Plaintiff has not filed a proof of service with the Court indicating that service upon Defendants has been completed. Plaintiff also failed to file a Case Management Conference statement in connection with the September 7, 2005 Case Management Conference.

Accordingly,

IT IS HEREBY ORDERED THAT:

(1) Plaintiff shall appear in Courtroom 3 of the United States Courthouse, 1301 Clay Street, Oakland, California, on **September 21, 2005, at 4:00 p.m.** to show cause why this case should not be dismissed and/or sanctions should not be imposed for lack of prosecution.

(2) At least ten (10) days prior to the date specified for the court appearance, Plaintiff or Plaintiff's counsel of record must file a Certificate of Counsel with the Clerk of the Court to explain why the case should or should not be dismissed and why sanctions should or should not be imposed for lack of prosecution. The Certificate shall set forth the nature of the case, its present status, the reason the Complaint has not been served, any basis for opposition to dismissal by any party, and the expected course of the case if not dismissed.

(3) Please take notice that this Order requires both the specified court appearance and the filing of the Certificate of Counsel. FAILURE TO FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION.

//

1 IT IS FURTHER ORDERED THAT the Case Management Conference, currently scheduled for
2 Wednesday, September 7, 2005 at 4:00 p.m., is VACATED.

3 IT IS SO ORDERED.

4
5
6 Dated: 9-2-05

Saundra B. Armstrong

SAUNDRA BROWN ARMSTRONG
United States District Judge